

ST



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,673	02/14/2000	Meenarachagan Vishnu	FORE-54	7017

7590 12/31/2003
Ansel M Schwartz
One Sterling Plaza
201 N Craig Street Suite 304
Pittsburgh, PA 15213

EXAMINER

TRAN, THIEN D

ART UNIT PAPER NUMBER

2665

DATE MAILED: 12/31/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/503,673	Applicant(s) VISHNU, MEENARACHAGAN	
Examiner Thien D Tran	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 November 2003.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6, 16-24, 26-38 is/are rejected.
- 7) Claim(s) 7-15 and 25 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) Interview Summary (PTO-413) Paper No(s). _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 16-20, 26, 33-35 are rejected under 35 U.S.C. 102(b) as being participated by Bennett (U.S Patent No. 5,828,878).

Regarding claims 1, 16, Bennett discloses schedulers 10 and 14 for a server comprising:

a controller 22 for serving first entities of a connection (first level generator) associated with groups of connections; and

the controller 22 for serving second entities on the connection (second level generator) associated corresponding to the groups of connections, said first level generator identifying which connections in the second level generator corresponds to a group in the first level generator that are to be considered for service, said second level generator identifies the connections corresponding to the group to receive service from the server, said second level generator in connection with said first level generator. See figure 1, col.12 lines 25-50.

Regarding claims 2, 3, 5, 20 17, 18, Bennett discloses a first level filter mechanism which filters out (idle connections) inactive groups of connections,

Art Unit: 2665

said first level filter mechanism connected to the first level generator and the second level generator and zero level generator. See col.11 lines 60-65.

Regarding claims 4, 19, Bennett discloses a controller 22 for serving all entities, which is N entities of connection (zero level generator), associated with groups corresponding with groups, said zero level generator in connection with the first level generator, said zero level generator identifying which groups in the first level generator correspond to a group in the zero level generator that are considered for service. See col.7 lines 60-65.

Regarding claims 26, 33-35, Bennett discloses an apparatus for serving connections comprising:

a server 14, ;

a memory 16, 18, 24, in which data of the connections is stored, said memory connected to the server; and

a hierarchical scheduler which schedules when the data of the connections in the memory is to receive service from the server, said scheduler connected to said server and said memory. See col.12 lines 25-35.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2665

4. Claims 6, 21-24, 27-32, 36-38 rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al (U.S Patent No. 5,828,878) in the view of Lahat et al (U.S Patent No. 6,417,944).

Regarding claims 6, 24, Bennett discloses that the zero level generator includes a zero level generator which generates a zero level schedule, which indicates the group to be scheduled for service, the first level generator includes a first level bitmap generator which indicates the group to be scheduled for service, and the second level generator includes a second level generator which generates a second level schedule which indicates the connections to be scheduled for service. See figure 5, col.11 lines 20-50.

Regarding claims 21-23, 36, Bennett discloses that the zero level filter encoder reads the zero level schedule and ANDS it with the zero level active to filter out inactive groups, the first level filter encoder reads the first level schedule and ANDS it with the first level active to filter out inactive groups, and the second level filter encoder reads the second level schedule and ANDS it with the second level active bitmap to filter out inactive groups. See col.13 lines 15-40.

Regarding claims 28, 29, 37, Bennett discloses that the zero level generator, first level generator and second level generator dynamically generates bits for each group, group and connection, respectively. See col.14 lines 1-65.

Regarding claim 27, Bennett discloses that the zero level generator includes a counter for each group which is decremented as a function of an intercell interval, wherein the intercell interval is the time it takes for the server to service a cell, the first level generator includes a counter for each group which is

Art Unit: 2665

decremented as a function of the intercell interval, and the second level generator includes a counter for each connection which is decremented as a function of the intercell interval. See col.5 lines 60-67.

Regarding claims 30, 32, Bennett discloses that the zero level generator sets a bit for a group whose counter decrements to zero, the first level generator sets, a bit for a group whose counter decrements to zero, and the second level generator sets a bit for a connection whose counter decrements to zero. See col.5 lines 60-67.

Regarding claims 31, 38, Bennett discloses that the zero level generator, first level generator and second level generator each include a rate limiting counter associated with each counter, wherein the bit for the group, group or connection, respectively, is set whenever both the counter and the corresponding rate limiting counter decrements to zero. See col.11 lines 15-30.

Bennett does not disclose that bitmap generator for generating schedule
– bitmap indicating the group to be scheduled for service, which would have been well known method for generating data bits in communication encoder.

Lahat, for example, discloses a generator for generating bitmap so that data can be composed by number of bits in a proper form for communication. See col.10 lines 1-20. Therefore, it would have been obvious to one having ordinary skill in the art to implement the feature of generating bitmap so that data can be composed by number of bits in a proper form for communication.

Art Unit: 2665

Allowable Subject Matter


5. Claims 7-15, 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran



**ALPUS H. HSU
PRIMARY EXAMINER**